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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

FINJAN LLC,  
  
Plaintiff,  
  
v.  
  
PALO ALTO NETWORKS, INC.,  
  
Defendant.

Case No. 4:14-CV-04908-PJH

**DECLARATION OF DIEK O. VAN  
NORT IN SUPPORT OF DEFENDANT  
PALO ALTO NETWORKS, INC.'S  
MOTION TO STRIKE PLAINTIFF  
FINJAN LLC'S INFRINGEMENT  
CONTENTIONS**

Noticed Hearing Date: July 22, 2021  
Noticed Hearing Time: 1:30 pm  
Courtroom: 3, 3<sup>rd</sup> Floor  
Judge: Honorable Phyllis J. Hamilton

1 I, DIEK O. VAN NORT, hereby declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration and, if called as  
3 a witness, could and would testify competently thereto. I am submitting this declaration in  
4 support of Defendant Palo Alto Networks, Inc.'s ("PAN") Motion to Strike Plaintiff Finjan LLC's  
5 ("Finjan") Infringement Contentions.

6 2. I am a Partner at the law firm of Morrison & Foerster LLP. I am counsel for PAN  
7 in this litigation.

8 3. Attached hereto as **Exhibit 1** is a true and correct copy of the Civil Minute Order  
9 from *Finjan, Inc. v. FireEye, Inc.*, No. C 4:13-03133 SBA (JCS), Dkt. No. 134 (N.D. Cal. Oct.  
10 16, 2017).

11 4. Attached hereto as **Exhibit 2** is an excerpt of a true and correct copy of the  
12 transcript of hearing on Cisco's Motion to Compel Amended Infringement Contentions from  
13 *Finjan, Inc. v. Cisco Systems, Inc.*, Case No. 5:17-cv-00072-BLF-SVK, Dkt. No. 696 (N.D. Cal.  
14 Oct. 12, 2017).

15 5. Attached hereto as **Exhibit 3** is a true and correct copy of Finjan's Initial  
16 Disclosure of Asserted Claims and Infringement Contentions and Document Production Pursuant  
17 to Patent Local Rule 3-1 and 3-2 ("Infringement Contentions"), served on April 1, 2021.

18 6. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Roger  
19 Denning, counsel for Finjan, to me, dated May 27, 2021.

20 7. Attached hereto as **Exhibit 5** is an excerpt of a true and correct copy of Appendix  
21 B-1 to Infringement Contentions, entitled "Appendix B-1 Infringement Chart for U.S. Patent No.  
22 7,418,731 and NGFW, Traps, and WildFire Products."

23 8. Attached hereto as **Exhibit 6** is an excerpt of a true and correct copy of Appendix  
24 E-1 to Infringement Contentions, entitled "Appendix E-1 Infringement Chart for U.S. patent No.  
25 8,141,154 and NGFW, Wildfire, Threat Prevention, and URL Filtering Products."

26 9. Attached hereto as **Exhibit 7** is an excerpt of a true and correct copy of Appendix  
27 E-2 to Infringement Contentions, entitled "Appendix E-2 Infringement Chart for U.S. patent No.  
28 8,141,154 and Traps (Cortex XDR) and Wildfire."

1           10. Attached hereto as **Exhibit 8** is an excerpt of a true and correct copy of letter from  
2 me to Roger Denning, counsel from Finjan, dated May 12, 2021.

3           11. Attached hereto as **Exhibit 9** is a true and correct copy of a letter from Jared  
4 Smith, counsel for Finjan, to me, dated May 27, 2021.

5           12. On May 28, 2021, I participated in a meet and confer with Roger Denning, counsel  
6 for Finjan, along with other attorneys for Finjan. During the meet and confer, the parties reached  
7 an impasse when Finjan again disputed that its infringement contentions were deficient and  
8 refused to provide pinpoint citations or amend its contentions.

9           13. Attached hereto as **Exhibit 10** is a true and correct copy of a letter from Rudy  
10 Kim, counsel for PAN, to Paul Andre, former counsel for Finjan, dated March 4, 2015.

11           14. Attached hereto as **Exhibit 11** is a true and correct copy of a letter from Rose Lee,  
12 counsel for PAN, to Benu Wells, former counsel for Finjan, dated April 10, 2015.

13           15. Attached hereto as **Exhibit 12** is a true and correct copy of an email from me to  
14 Jared Smith, counsel for Finjan, dated February 5, 2021.

15           16. Attached hereto as **Exhibit 13** is a true and correct copy of an email from Jared  
16 Smith, counsel for Finjan, to me, dated February 22, 2021.

17           17. Attached hereto as **Exhibit 14** is a true and correct copy of an email from me to  
18 Jared Smith, counsel for Finjan, dated March 10, 2021.

19           18. Attached hereto as **Exhibit 15** is a true and correct copy of a letter from Nicole  
20 Smith, former counsel for PAN, to Benu Wells, former counsel for Finjan, dated April 14, 2015.

21           19. Attached hereto as **Exhibit 16** is a true and correct copy of a letter from Rose Lee,  
22 counsel for PAN, to Benu Wells, former counsel for Finjan, dated May 11, 2015.

23           20. Attached hereto as **Exhibit 17** is a true and correct copy of a letter from Rose Lee,  
24 counsel for PAN, to Benu Wells, former counsel for Finjan, dated September 1, 2015.

25           21. At the Case Management Conference on March 18, 2021, PAN requested that the  
26 Court order Finjan to provide pinpoint citations. Judge Hamilton indicated that PAN's request  
27 was premature because Finjan had not served its infringement contentions.  
28

22. Attached hereto as **Exhibit 18** is a true and correct copy of the Joint Discovery Dispute Letter Regarding Plaintiff Finjan's Infringement Contentions from *Finjan, Inc. v. FireEye, Inc.*, No. C 4:13-03133 SBA (JCS), Dkt. No. 129 (N.D. Cal. Oct. 4, 2017).

23. Attached hereto as **Exhibit 19** is a true and correct copy of Defendant Check Point Software Technologies, Inc.'s Brief re: Case Narrowing and Infringement Contentions from *Finjan, Inc. v. Check Point Software Technologies, Inc.*, Case No. 5:18-cv-02621-WHO, Dkt. No. 28 (N.D. Cal. Aug. 28, 2018).

24. Attached hereto as **Exhibit 20** is a true and correct copy of the Order re Case Narrowing and Infringement Contentions from *Finjan, Inc. v. Check Point Software Technologies, Inc.*, Case No. 5:18-cv-02621-WHO, Dkt. No. 29 (N.D. Cal. Sept. 10, 2018).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of June 2021, in San Clemente, CA.

/s/ Diek O. Van Nort  
Diek O. Van Nort

#### ATTESTATION OF E-FILED SIGNATURE

I, Colette Reiner Mayer, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Local Rule 5-1(i), I hereby attest that Diek O. Van Nort has concurred in this filing.

Dated: June 15, 2021

/s/ Colette Reiner Mayer  
Colette Reiner Mayer